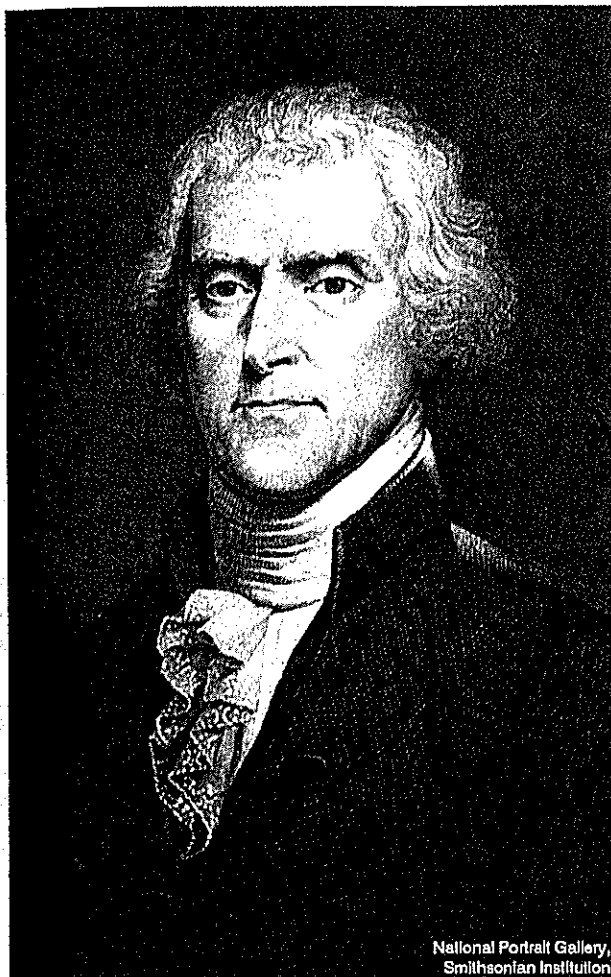


# What basic ideas about government are contained in the Declaration Of Independence?

### Purpose of Lesson 9

The Declaration of Independence contains many of the basic ideas about government upon which our nation was founded. This lesson will help you understand the argument of the Declaration and how it includes these ideas in its justification of the separation of the colonies from Great Britain.

When you have completed the lesson, you should be able to explain the main arguments contained in the Declaration.



Thomas Jefferson, 1743 - 1826

### The colonists list their complaints against the king

Thomas Jefferson was a statesman, a diplomat, an author, an architect, and a scientist. Born in Virginia, Jefferson was a quiet member of the Continental Congress during the early period of the Revolutionary War. He was not known as a great speaker before large groups, but he had a reputation for working well in small committees and was admired for his excellent writing style. Because of his talent for writing, he was chosen to draft the Declaration of Independence.

The Declaration of Independence, adopted by the Continental Congress on July 4, 1776, is the best summary available of the colonists' basic ideas about government and their complaints about British rule that led the Americans to begin the revolution.

In the last lesson, you learned about the colonists' complaints against the British Parliament. However, in the Declaration of Independence, the colonists directed their complaints against the king. This was the first time the colonists had attacked the British king and the idea of monarchies in general.

### The main arguments of the Declaration of Independence

The Declaration of Independence was an important turning point in the development of constitutional government in America. The following summarizes some of the main points in its argument.

1. The rights of the people are based on natural law which is a higher law than laws made by men. Neither constitutions nor governments can violate the higher law. If a government violates the law and deprives the people of their rights, they have the right to change or abolish it and form a new government.
2. A compact or agreement existed between the colonists and the king. By the terms of this compact, the colonists consented to be governed by the king so

long as he protected their rights to life, liberty, and property.

3. Since there was no compact between the colonists and Parliament that gave Parliament the right to participate in their governments, Parliament had no right to tax the colonies. This was especially true, argued the colonists, since they did not have the right to send representatives to Parliament.

4. The king had violated the compact by repeatedly acting with Parliament to deprive the colonists of the rights he was supposed to protect. Therefore the colonists had the right to withdraw their consent to be governed by him and to establish their own government.

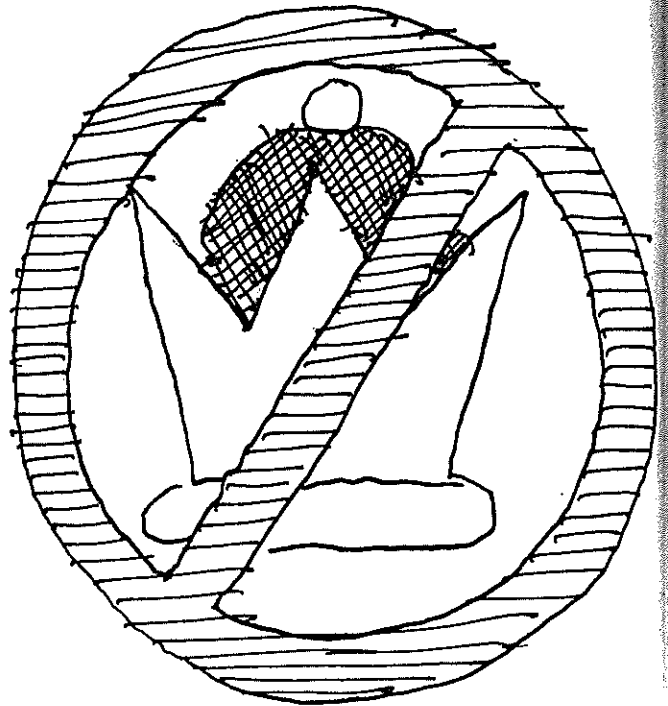
The Declaration of Independence also sets forth some of the ideals of our constitutional democracy. Much of the history of the United States has been an effort to make these ideals a reality for everyone. In future lessons we will learn how they were gradually gained by blacks, other minorities, and women.

### What basic ideas are contained in the Declaration of Independence?

The complete Declaration of Independence, as originally printed, is contained at the end of this text. The following excerpts contain some of its basic ideas. Read them and be prepared to answer the questions that follow.

*We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness . . .*

*The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World . . .*



*He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature . . .*

*He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People . . .*

*He has made Judges dependent on his Will alone . . .*

*He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures . . .*

*He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation: For quartering large Bodies of Armed Troops among us: For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States: For cutting off our Trade with all Parts of the World . . .*

*In every stage of these Oppressions we have Petitioned for Redress in the most humble*

*Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.*

*Nor have we been wanting in our Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us . . . . They too have been deaf to the Voice of Justice . . . .*

*We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the Rectitude of our Intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved . . . .*



The committee that drafted the Declaration: Franklin, Jefferson, Adams, Livingston, and Sherman

## Examining the Declaration of Independence

1. What is the purpose of government as described in the Declaration of Independence? How is this similar to or different from the purpose of government described by the natural rights philosophers?
2. What does the Declaration say about what people have a right to do if a government is destructive of their rights? How is this related to the ideas of the natural rights philosophers?
3. What do you think Jefferson meant when he said that all men are "endowed by their Creator with certain inalienable Rights"? How is his position related to the natural rights philosophy?
4. What do you think Jefferson meant when he wrote that "all men are created equal"? Did he mean that all had equal ability and character?
5. What basic rights are included in these excerpts from the Declaration of Independence? How are they similar to or different from the rights listed by the natural rights philosophers?
6. The Declaration of Independence is one of most influential writings in history for it contains promises of human rights. Can you think of situations in this century in which it has been used to justify peaceful or violent change?

## How were the state constitutions designed to prevent the abuse of power?

### Purpose of Lesson 10

Soon after the Revolutionary War started in 1775, the new states began to develop their own written constitutions. Never before had so many new governments been created using the basic ideas of the natural rights philosophy, republicanism, and constitutional government. A review of the main ideas contained in the state constitutions will show you how the Founders designed their state governments to protect their rights and promote the common welfare.

When you complete this lesson, you should be able to explain how the basic ideas about government you have studied were included in the state constitutions. You should also be able to explain the major difference in the way the Massachusetts Constitution was designed to protect rights from the way the constitutions of the other states were designed to protect individual rights. To do so, you will need to be able to explain the following ideas.

popular sovereignty  
representative government  
legislative supremacy

### Six basic ideas included in state constitutions

The experiences of the Founders with the shortcomings of the state governments under their new constitutions greatly influenced the way they wrote the Constitution of the United States. The following describes the basic ideas included in these constitutions and how the Massachusetts constitution differed from those of the other states.

#### 1. Higher law and natural rights

Every state constitution was considered a higher law that must be obeyed by the persons running the government. Each contained the idea that the purpose of government was to preserve and protect citizens' natural rights to life, liberty, and property.

#### 2. Social contract

Each state constitution also made it clear that its government was formed as a result of a social contract--an agreement among its people to create a government to protect their natural rights.

#### 3. Popular sovereignty

All of the state constitutions contained the idea of popular sovereignty--that the people are the source of the authority of the government.

#### 4. Representation and the right to vote

One of the most significant things about each state constitution was the importance placed upon representation of the people in their governments. All of the state constitutions created legislatures that were composed of elected representatives of the people.

In most states, the right to vote for representatives was limited to white males who owned a specified amount of property. However, because it was relatively easy to acquire property in the colonies, this limit on who could vote did not eliminate as many people as it did in Great Britain. In the United States during the period of the American Revolution, about 70 percent of the white males owned enough property to make them eligible to vote. In Great Britain, only about 10 percent were eligible.

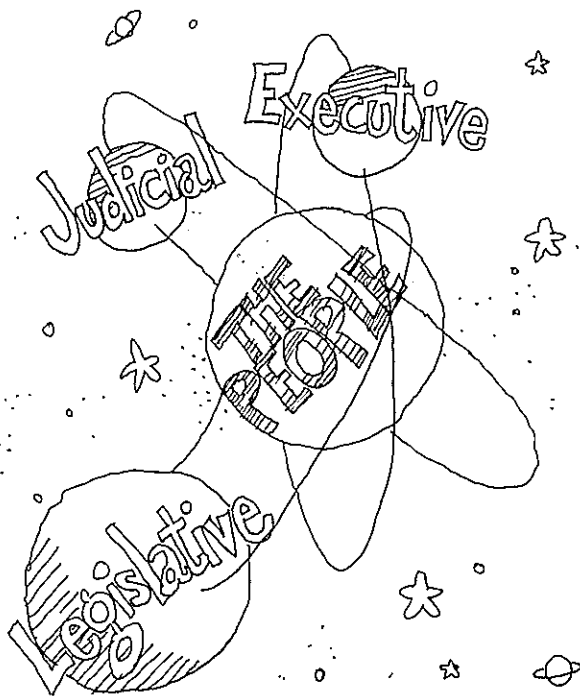
In seven states, free blacks and Indians could vote if they met the property requirements. And in New Jersey, the vote was given to "all inhabitants . . . of full age, who were worth fifty pounds" and who met a twelve-month residency requirement. Under these rules, both women and free blacks were able to vote until 1807 when the law in New Jersey was rewritten to exclude women. Twelve states specifically denied women the right to vote by inserting the word "male" into their constitutions.

#### 5. Legislative supremacy

While all of the state constitutions included checks and balances and the separation of powers, most of

them relied on a strong legislature and majority rule to protect the rights of the citizens. Legislative supremacy means a government in which most of the power is given to the legislature. Some of the problems raised by legislative supremacy will be discussed in this and other lessons. The reasons for the belief in legislative supremacy were as follows.

- The legislative branch of government, composed of representatives elected by the voters who can also be removed by the voters, is the most democratic branch of government. Therefore, it is considered the safest branch in which to place the most power and the most likely to protect the rights of citizens and to promote their welfare.
- The executive branch should not be trusted with too much power because it is not easily controlled by the people. You may remember that the colonists' greatest problems with the British government had been with its executive branch--the king and his ministers--as well as with the royal governors in the colonies.
- The colonists had also had some difficulty with the judicial branch, the king's magistrates, who tried colonists for breaking British law. However, the power of this branch had been limited by the colonists' right to a trial by a jury



of other colonists. These juries often refused to find them guilty of breaking a law with which the colonists did not agree.

The following evidence of legislative supremacy can be found in the state constitutions.

- The constitutions of most of the states provided for executive branches, but made them dependent on the legislatures. For example, legislatures were given the power to select the governor or to control his salary.
- Governors were allowed to stay in office for only one year. This limit was an attempt to be sure that the governor would not have time to gain much power while in office.
- Appointments made by a governor had to be approved by the legislature.
- Governors were almost totally excluded from the process of lawmaking, which the legislatures kept to themselves. Governors had no power to veto legislation to which they objected.

## 6. Checks and balances

Although the powers in the state governments were unevenly balanced in favor of strong legislatures, there were some checks in the state constitutions. However, most of these checks existed within the legislatures themselves. For example, in every state except Pennsylvania and Georgia, the legislature was divided into two houses, just as in the British Parliament. Since most important decisions had to be made by both houses, each had a way to check the power of the other house. However, unlike Parliament, and unlike the colonial governments, both houses of the state legislatures were made up of representatives elected by the people. The voters could check their power by electing new representatives to both houses if they did not like the way the government worked.

You may remember that in Parliament, the House of Lords and the House of Commons were designed to represent different classes of people in the British society. This gave each class a way to check the power of the other, if necessary, in order to protect its interests. Some states tried to organize their legislatures in the same way. Only people with a great deal of property could elect representatives to the upper house, while people with less property were allowed to elect representatives to the lower house.

## Problem solving

As you have learned, in twelve of the state constitutions the balance of power was heavily weighted in favor of the legislature.

1. How and why was this done?
2. What might be the advantages and disadvantages of this legislative supremacy?

## The Massachusetts constitution

In 1780, Massachusetts became the last state to ratify its constitution. Written principally by John Adams, the Massachusetts constitution was different from those of the other states. In addition to relying upon representation as a means of preventing the abuse of power, it also relied upon the traditional methods of separation of powers and checks and balances. It gave the other branches of government more effective checks on the powers of the state legislature than did the other state constitutions. In this way, it contained more similarities to the British government than did the constitutions of the other states.

Perhaps one of the most important reasons the Massachusetts constitution was different was that during the time that it was being developed, problems arose in the states where the legislatures had been given so much power. These problems will be discussed in the next lesson.



John Adams, 1735 - 1826

Library of Congress

Since the Massachusetts constitution is more similar to the present Constitution of the United States than are the other state constitutions, it is worth looking at in some detail. The following outlines some of the most important parts of the Massachusetts constitution.

### 1. A strong executive branch

Under the Massachusetts constitution, the governor was elected by the people. The writers of its constitution believed that because he would be elected by the people, it would be safe to trust him with greater power so that he would be able to protect their rights and welfare.

To enable the governor to be more independent of the legislature and to allow him to check the legislature's use of power, the Massachusetts constitution contained the following provisions.

- The governor's salary was fixed and could not be changed by the legislature.
- The governor had the power to veto laws made by the legislature, and his veto could only be overridden by a two-thirds vote of the legislature.
- The governor could appoint officials to work in the executive branch and judges to the judicial branch with little interference from the legislature.

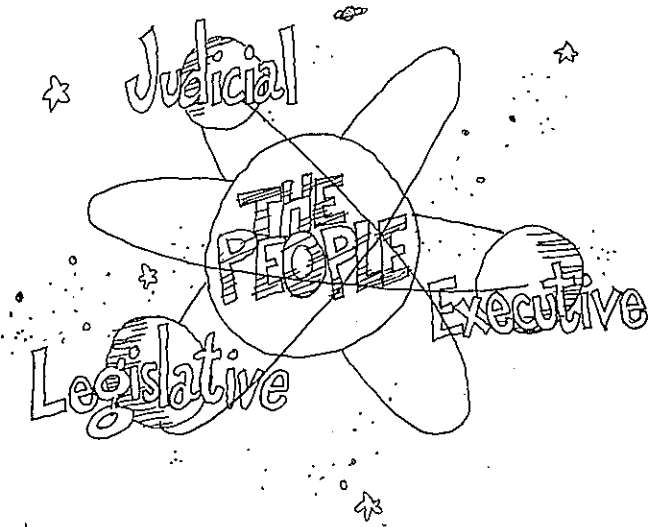
### 2. Representation of different groups in the society

Several other parts of the Massachusetts constitution show how that government was organized more like the British government than were those of the other states. You may remember that in Great Britain the powers of government were separated among different groups of British society--royalty, nobility, and commons. A basic reason for separating powers among these groups was to prevent one group from completely dominating the others. In the United States there was no royalty or nobility to take their places in a monarchy or a House of Lords. But the Massachusetts constitution divided the people of the state into groups based upon their wealth.

- Only people with a large amount of property could vote to elect the governor.
- People with slightly less property could vote to elect members of the upper house of the state legislature.



- People with the minimum amount of property that enabled them to vote, could vote for members of the lower house.



### How was the Massachusetts constitution different from those of the other states?

The Massachusetts constitution provided for a more even balance among the powers of the different branches of government. It did not make the legislature the most powerful branch as it was in the other states. In some ways this difference reveals different beliefs about the best ways to prevent the abuse of power by members of government.

- The constitutions of the other states were based on the idea that representation of the people in a strong state legislature was the best way to protect their rights.
- The Massachusetts constitution was based on the idea that representation, separation of powers, checks, and balances were all essential for the protection of the rights of the people.

### Reviewing and using the lesson

1. What ideas stated in the Declaration of Independence were included in the state constitutions written during and after the Revolution?
2. From early colonial days there were property requirements for voting. Do you think these requirements conflict with basic principles of democracy? Explain your answer.
3. Describe the ways by which state constitutions ensured that the legislature would be able to dominate the governor.
4. Why did most state constitutions give most of the powers of government to the legislature at the expense of the executive and judicial branches?
5. The Massachusetts constitution differed in important ways from those of the other states. Describe those differences.
6. What arguments can you make for and against the position taken in the Massachusetts constitution that the best means of protecting citizens from abusive government is by a combination of representation, separation of powers, checks, and balances?
7. Should a governor be chosen by the legislature rather than be elected by the people? Should a governor be allowed to veto measures passed by the legislature? Explain your answers.
8. What arguments can you make for and against the idea of legislative supremacy that was included in most of the state constitutions?

# Why did the Founders want to change the Articles of Confederation (1781)?

### Purpose of Lesson 11

In 1776, the Second Continental Congress voted to declare the colonies independent of the British government. The thirteen colonies were now independent states. But the states needed to cooperate to fight the war against the powerful British army and navy. So one of the first tasks of the Congress was to organize a national government.

A national government was also necessary to perform all of the activities of government studied in earlier lessons--to control trade among the states, and between the states and foreign nations, and to manage conflicts among the states over such issues as where their borders were to be.

The first government created by the Founders did not work well despite all their knowledge of political philosophy, history, and government. A knowledge of the shortcomings of that government is important in understanding that unless a government is organized properly, it may not work very well. It also helps in understanding why our government is organized as it is.

When you have finished reading and discussing this lesson, you should be able to explain why the newly independent Americans created their first constitution, the Articles of Confederation, as they did. You should also be able to explain the problems of the government under the Articles of Confederation. This lesson also introduces the following new ideas and terms which you should be able to explain.

**national government**  
**Articles of Confederation**  
**majority rule**  
**loyalists**  
**factions**  
**Shays' Rebellion**

### The creation of the Articles of Confederation

In 1776, a committee appointed by the Congress and led by John Dickinson of Pennsylvania wrote a draft of a constitution for the first national government. It was called the Articles of Confederation. But the Americans quickly realized that agreeing on what kind of national government to create would not be easy. Members of the Congress argued on and off for more than a year before they came up with a constitution they could agree to present to the states for approval. Then the states argued about the constitution for four more years before all of them approved it.



John Dickinson, 1732 - 1808

Two major fears made it difficult for the Founders to agree upon the Articles of Confederation:

- the fear of creating a national government that was too strong



- the fear that some states would have more power than others in the national government

These fears and the solutions developed by the Founders are described below. Review the solutions and be prepared to explain the possible advantages and disadvantages of each.

### 1. Fear of a strong national government

Once the war against Great Britain had started, each state was like a separate nation with its own constitution and government. To the people, their state was their "country" and all eligible voters could have a voice in government. They could elect members of their communities to represent their interests in their state legislatures. The government was close enough to most citizens so they could even participate in some of its activities.

The Founders agreed they needed a national government. But they were afraid of making one that was too strong. They believed that most of the powers of government should be kept by the states because citizens could control state governments more easily than they could control a national government.

Meanwhile, the states were cooperating in the fight to free themselves from the control of a distant government in Great Britain. The Founders believed that the British government had deprived citizens of their rights, including their right to representation in the affairs of government. Many were afraid that if they agreed to create a strong national government, it could dominate the state governments and might become as dangerous to the rights of citizens as the British government had proved to be.

#### The solution: create a weak national government

The Founders finally arrived at a solution to this problem: they created a weak national government. The government created by the Articles of Confederation was just a national legislature, the Continental Congress. There was no executive or judicial branch. While Congress was permitted to establish courts for certain limited purposes, most legal disputes were handled in state courts.

The Articles of Confederation left most of the powers of government with the states; the national government had little power over the states and their citizens. For example:

- The Continental Congress did not have the power to control any person in any state. Only

the state governments had power over their citizens.

- The Continental Congress did not have the power to collect taxes from the states or from the people directly. It could only request money from the state governments, which were supposed to raise the money from their citizens.
- No important decision could be made by the Continental Congress unless at least nine of thirteen states approved. This limitation on the powers of Congress applied, for example, to its ability to declare and conduct war, enter into treaties or alliances with other nations, and coin or borrow money.

### 2. Fear that some states would dominate others in the national government

The leaders in each state wanted to make sure that the new national government would be organized in a way that would not threaten their state's interests. As a result, the most important disagreement was over how states would vote in Congress. Would each state have an equal vote, or would states with greater population or wealth be given more votes than others? Decisions in the Congress would be made by majority vote. Some leaders were afraid that the majority would use their power for their own interest at the expense of those who were in the minority.

#### The solution: give each state one vote

The solution adopted was to give each state one vote in the Continental Congress regardless of its population.

In 1781, after four years of discussion, all of the state governments agreed to accept the Articles of Confederation as the constitution for the national government of the United States. For the first time since the term was used in the Declaration of Independence, the former colonies became officially known as the "United States of America."

## Problems caused by the weaknesses of the Articles of Confederation

You have seen how the people of the states solved the problem of their fear of a strong national government: they created a government that had very limited power. Because the states were afraid that the Continental Congress might be able to control them, they made sure that they controlled it. Every action

taken by the Continental Congress had to be with the consent, approval, and cooperation of most of the states. As a result, the nation began with a very weak national government.

The difficulties that arose under the Articles of Confederation led to the decision to develop our present Constitution. They are described below.

#### 1. No money and no power to get it

Congress had to rely upon voluntary contributions from the state governments to pay for the costs of the national government. It had no power to force the states to live up to their promises to make the contributions.

This system did not work. The states had promised to give the national government \$10 million to pay for the costs of fighting the Revolutionary War. They only paid \$1.5 million. Congress had borrowed most of the money it needed to pay for the war by selling revenue bonds to Americans and foreigners, and it had no way to pay its debts. The state governments and many of the people living in the states were also deeply in debt after the war.

#### 2. No power over the state governments and their citizens

Congress did not have the power to make laws regulating the behavior of citizens or the states or to force state governments or their citizens to do anything. The citizens could be governed only by their own state governments. This meant that if members of a state government or citizens within a state disobeyed a resolution, recommendation, or request made by the national government, there was no way the national government could make them obey. The Articles clearly stated that each state kept its "sovereignty, freedom, and independence."

The national government's inability to make state governments and their citizens live up to treaties it had made led to a serious situation. Not all of the colonists had been in favor of the Revolutionary War; some had remained loyal to Great Britain. Thousands of these people, called loyalists, still lived in the United States. When the war was over, the national government signed a peace treaty with Great Britain called the Treaty of Paris, which was intended in part to protect loyalists' rights and ensure that they were treated fairly. Some of these loyalists owned property in the states and some had loaned money to other citizens.

Some state governments refused to respect this treaty. They often made it difficult for loyalists to collect the money owed to them by other citizens. Sometimes the states had confiscated the loyalists' property during the war. The national government had no power to force the state governments to respect the property rights of the loyalists or to force individual citizens to pay back money owed to the loyalists. Thus, the national government was powerless to live up to its promise to the British government to protect the rights of these citizens.

#### 3. Unenforceable trade agreements

Although Congress had the power to make agreements with foreign nations, it did not have the power to make state governments live up to these agreements. This raised another difficulty. Some citizens imported goods from other nations and then refused to pay for them. Not surprisingly, people in foreign countries became reluctant to trade with people in the United States. In addition, when Great Britain recognized how weak Congress was in controlling foreign trade, it closed the West Indies to American commerce. As a result, many Americans lost money because they were unable to sell their goods to people in other nations. Others were not able to buy goods from abroad.

#### 4. Unfair competition among the states

Congress had no power to make laws controlling business or trade among the states. As a result, people in some states, often with the help of their state governments, tried to take advantage of people in other states. For example, in order to benefit local businesses, some state governments passed laws forbidding the sale of goods from other states.

Such activities prevented efficient and productive trade among the states and caused serious economic problems for the country. Businesses failed, and many people became poverty-stricken and unable to repay money they had borrowed from other citizens. This created another serious situation.

#### 5. Threats to citizens' right to property

Many people believed that one of the most serious problems in the United States during the 1780s was the failure of the state governments to protect their citizens' property rights. As you have learned, in most states the government was controlled by the legislative branch, composed of representatives elected by a majority of the people.

A faction is a group of people that seeks to promote its own interests. During this period, a number of factions developed that sometimes formed majorities in the state legislatures. These majorities were accused of making laws that benefited themselves at the expense of the minority and of the common welfare. For example, they passed laws that canceled debts, confiscated the property of loyalists, and created paper money resulting in inflation which benefited the debtors at the expense of those to whom they owed money.

People who were being hurt by such laws argued that their property was not being protected by their state governments. They claimed that the state governments were being used by one class of people to deny the rights of others and that they were not acting for the common good.

Some people argued that there was too much democracy in the state governments. They claimed that representative government with majority rule did not adequately protect the natural rights of individual citizens or the common welfare. They argued that majority rule, when the majority pursued its own selfish interests at the expense of the rights of others, was just another form of tyranny, every bit as dangerous as that of an uncontrolled king.

## Shays' Rebellion and the seeds of change

A dramatic event that finally convinced many people of the need for a stronger national government was Shays' Rebellion. Farmers in Massachusetts had serious economic problems. When they could not pay their debts, many of them lost their homes and their farms. Some were even put into prison. Popular discontent rose, and angry crowds prevented the courts from punishing people or selling the property of those who could not pay their debts.

In November, 1786, a group of several hundred angry farmers gathered under the leadership of Daniel Shays. Because they needed weapons to use in their rebellion against the state government, they tried to capture the arsenal at Springfield, where arms were kept for the state militia. Although Shays' men were defeated, their rebellion frightened many property owners who feared similar problems might arise in their states.

The fears raised by such conflicts as Shays' Rebellion, combined with the difficulties in raising taxes and regulating foreign trade, convinced a growing number

of people of the need to strengthen the national government. George Washington was one of these people. He wrote to James Madison, "We are either a united people or we are not. If the former, let us act as a nation. If we are not, let us no longer act a farce by pretending to it."

The steps taken to create a stronger national government and the way in which it was organized are the subject of the next unit.



Angry farmers, led by Daniel Shays, seize a court house, 1786

## Reviewing and using the lesson

1. The Articles of Confederation showed its writers' fears of a strong national government and left most important powers to the states. What important powers were denied the national government by the Articles?
2. Why do you suppose the smaller states were satisfied with the government set up by the Articles of Confederation?
3. How might the experience of the Founders with the state governments have affected their belief in the importance and role of civic virtue in a republic?
4. Select several national problems in the period after the Revolution and show how the lack of power of the national government under the Articles of Confederation contributed to them.
5. The Articles of Confederation demonstrated a distrust of a strong national government. Many people today share this attitude toward national power. Do you believe it is justified? Why?
6. What are "factions"? Explain why they were considered a problem for American government in the 1780s. What organized groups that exist today would the Founders call factions?

## Why did the Framers use the Virginia Plan to create the new Constitution?

### Purpose of Lesson 13

Both the Virginia and New Jersey delegates to the Philadelphia Convention submitted plans for the Framers' consideration. After considerable debate, the Virginia Plan was used as the basis for the new Constitution. However, not all of the recommendations of the plan were accepted. An understanding of both plans and the debates over them should increase your understanding of the Constitution and the continuing debates over how our government is organized.

When you finish this lesson, you should be able to explain the differences between the Virginia and New Jersey plans. You should also be able to explain why the Virginia Plan was used as the basis for our Constitution. Several new ideas and terms are introduced in this lesson which you should be able to explain. They are:

- federal system
- proportional representation
- equal representation

### The need to create a new constitution

The Framers who met in Philadelphia faced the problem of deciding upon the best way to organize the national government. They wanted to give it enough power to deal effectively with the nation's needs and to protect their rights and promote their welfare. But they also wanted to make sure it would not be able to abuse its powers. Many of the Framers had decided before coming to the convention that they did not want to be limited to improving the Articles of Confederation. They were convinced of the need to create a new constitution.

### The Virginia Plan

James Madison was one of those who thought they should develop a new constitution. Before the convention, he had already drafted a plan for a new

national government, called the Virginia Plan. He was able to get the delegates to accept this plan as the basis for their discussions about the new government and the writing of a new constitution.



The most important thing to know about the Virginia Plan is that it created a national government. Under the Articles of Confederation, the central government could only act upon the states, not upon the people directly. It could request money, for example, but only the states had the authority to raise that money by placing taxes upon the citizens. Under Madison's plan, the national government would have the power to collect its own taxes, to make laws, and to enforce them in its own courts. Each citizen would then be under two governments, the national government and a state government. And, both of these governments would get their authority from the

people. The existence of two governments, national and state, each given a certain amount of authority, is what we now call a federal system. It was a new way to organize a government. In addition, the Virginia Plan provided that:

- The national government would be composed of three branches: legislative, executive, and judicial. The legislative branch would be more powerful than the other branches because, among other things, it would be responsible for selecting people to serve in the executive and judicial branches.
- The legislative branch was to include a Congress with two houses. A House of Representatives would be elected directly by the people of each state. A Senate would be elected by the members of the House of Representatives from lists of persons nominated by the legislatures of each state government.
- The number of representatives from each state in both the House and the Senate would be based on the size of its population. This system of proportional representation meant that states with larger populations would have more representatives in each house of Congress than states with smaller populations. If a state had twice as many people as another state, it would have twice as many votes in Congress. Under this system, the government represented and acted directly upon the people, not the states, as the central government had done under the Articles of Confederation in which each state delegation to Congress had only one vote.

The Virginia Plan gave the legislative branch of the national government the power:

- to make all laws that individual states were unable to pass, such as laws which regulated trade between two or more states.
- to strike down laws of the state legislatures that it considered to be in violation of the national constitution or the national interest.
- to call forth the armed forces of the nation against a state, if necessary, to enforce the laws passed by Congress.
- to elect people to serve in the executive and judicial branches of government.

## Reactions to the Virginia Plan

There was considerable debate among the Framers over the Virginia Plan. Most agreed that representation in the House of Representatives should be based on population. The main disagreement was about how many representatives each state could send to the Senate. The different positions were as follows.

- The larger states wanted the Senate also to be based on proportional representation. This would mean they would be able to send more representatives to the Senate than the smaller states. They would then have more power than the smaller states in both the Senate and the House of Representatives.
- The smaller states wanted the Senate to be organized so that each state, no matter how many people lived in it, would have equal representation. Thus, at least in the Senate, no state would have more power than any other state. The position of the small states was based on their fear that unless they had an equal voice in the Senate, the larger states would use the powers of the national government against them.

This debate created a major problem. The Framers from New Jersey, a small state, asked for time to come up with their own plan to be used as the basis for discussion on how to organize the new government.

## The New Jersey Plan

The Framers from New Jersey and the other states with smaller populations were afraid that the Virginia Plan would create a national government in which they had little power. They argued that the safest and fairest thing to do would be to improve the Articles of Confederation. The New Jersey plan was a way to do this. The following are some of the main parts of the plan.

### 1. Legislative branch.

Congress would have only one house with each state having equal representation; and it would be given increased powers such as the following.

- Taxes. The national government would be given the power to levy certain taxes such as import duties to raise money for its operations, along with the power to collect money from states if they refused to pay.



- Trade. Congress would be given the power to control trade among the states and with foreign nations.
- Control over the states. The laws and treaties with foreign nations made by Congress would be considered to be the supreme law of the nation. No state could make laws that were contrary to these laws.

## 2. Executive branch

This branch would be made up of several persons selected by Congress. They would have the power to administer national laws, appoint other executive officeholders, and direct all military operations.

## 3. Judicial branch

A supreme court would be appointed by the leaders of the executive branch. It would have power to handle conflicts over treaties, trade among the states or with foreign nations, and the collection of taxes.

### Problem solving

#### Which was the better plan?

The Virginia and New Jersey plans each had certain benefits and costs. Understanding these is helpful in making intelligent decisions about which is the better plan. Complete the chart below to illustrate the benefits and costs of the two plans. Then select the plan which, in your analysis, would be the better plan for establishing the legislative branch of the government. Explain the reasons for your decision.

<u>Virginia Plan</u>		<u>New Jersey Plan</u>	
Benefits	Costs	Benefits	Costs

#### Why was the Virginia Plan used?

Basically, the New Jersey Plan continued the system of government existing under the Articles of Confederation. In this system, the central government represented and acted upon the states rather than directly representing and acting upon the people. The New Jersey Plan did contain useful suggestions to solve some of the weaknesses of the Articles of Confederation. If these suggestions had been made at the begin-

ning of the meeting in Philadelphia, they might have been accepted by everyone except those who were the most committed to having a very strong national government. If that had happened, the new constitution might not have been developed.

But by the time the New Jersey Plan was presented, two weeks after the Virginia Plan, many of the delegates had become convinced that they should create a strong national government. Madison's Virginia Plan became the basis for that government. As it was, the New Jersey Plan was supported only by the delegates from that state, by those from New York and Delaware, and by part of the Maryland delegation.

However, two major issues had not been resolved:

- How should the number of representatives from each state be determined? According to its population? Many delegates still argued that each state should have an equal number of votes, no matter how large or small its population was.
- What powers should the national government have?

There were serious disagreements on these issues among the Framers from states with large populations, states with small populations, and states with slaves. These disagreements were so intense that the convention almost failed at this time. How these issues were resolved is the subject of the next lesson.

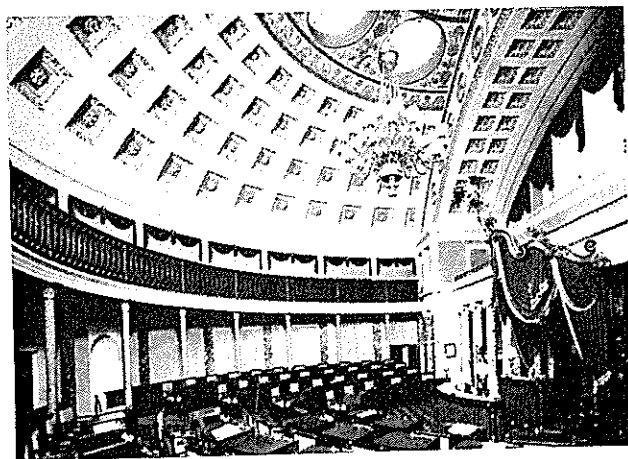
### Reviewing and using the lesson

1. List five major points of Madison's Virginia Plan. For each point that you select, state how it differed from the existing arrangement under the Articles of Confederation.
2. The most important difference of opinion at the convention was between delegates from the large and small states. On what issue did they differ? Why?
3. What do you see as the crucial difference between the New Jersey Plan and the Virginia Plan? Why was the Virginia Plan, with changes, chosen by the delegates as the basis for the new government?
4. Why do you suppose the Virginia Plan gave Congress the right to strike down laws made by state legislatures? What arguments could you make for or against giving Congress this power?



## Lesson 14

# How did the Framers develop the legislative branch and what powers did they give it?



The Old Senate Chamber as it appeared in 1859

### Purpose of Lesson 14

This lesson explains how and why Congress is organized into two houses, why each state can select two senators, and why representation in the House of Representatives is based on population. The lesson also explains some of the powers of Congress. It concludes with a discussion of some of the disagreements that separated the delegates of the northern and southern states.

When you complete this lesson, you should be able to explain how and why the present basis of representation in Congress came to be and the advantages and disadvantages of the system. You should also be able to explain the following ideas and terms contained in this lesson.

equal representation  
proportional representation  
The Great Compromise (Connecticut Compromise)  
enumerated powers  
necessary and proper clause  
supremacy clause  
guarantee clause  
ex post facto laws  
three-fifths clause  
fugitive slave clause

### How should Congress be organized?

Once the Virginia Plan was accepted, there was still the problem of deciding how to organize the new government in a way that would be acceptable to most of the Framers. The first debates were about what responsibilities and powers should be given to Congress and how it should be organized. The result of the Framers' efforts was the development of Article I of our Constitution. The basic problems the Framers had in developing Article I are set forth below. Some of the problems the Framers discussed are still being debated today.

### The problem of representation

After the defeat of the New Jersey Plan, the Framers from the states with smaller populations became increasingly afraid that the new national government would be dominated by the larger states. Their solution was to insist that each state have the same number of representatives in the Congress--the position called equal representation. They were also convinced that the people in their states would never approve the Constitution if it did not preserve the idea that all states should be treated equally.

The delegates from the states with larger populations thought this was not fair. They argued that a state with a larger number of people should have a greater voice (that is, more votes) in the decisions of the national government--the position called proportional representation.

The Framers were asked to vote whether there should be equal or proportional representation in the Senate. Half of the Framers voted one way and the other half voted the other. They could not reach a decision. Neither side was willing to compromise. Just a few weeks after the convention had begun, the Framers were in serious disagreement and almost ready to quit and go home.

At this time a special committee was formed of one delegate from each state. This committee was responsible for trying to develop a plan to save the

situation. Some of the strongest supporters of the Virginia Plan, such as James Madison and James Wilson, a delegate from Pennsylvania, were against giving this responsibility to a committee. However, most of the Framers disagreed with them and the committee went to work.

### Problem solving

#### How many representatives should each state send to Congress?

Your class should be divided into committees of about five students each. Each committee should contain some students who represent the small states and some who represent the large states. The task of each committee is as follows.

1. Meet and develop a plan for how many representatives each state should be allowed to send to the Senate and to the House of Representatives.
2. Select a spokesperson to present its plan to the entire class. Then, all members of the committee may help to clarify its plan and defend it against criticisms by members of other committees.
3. Each committee may then revise its plan if it wishes, and put it on the chalkboard or chart paper.

The entire class should then compare the plans made by the committees and try to reach an agreement on a plan. After you have completed this exercise, compare the plans you have developed with the plan arrived at by the Framers, which is described below.

### The Great Compromise

The result of the committee's work at the Philadelphia Convention is known both as the Great Compromise and the Connecticut Compromise. Its solution, first suggested by Benjamin Franklin, contained the following proposals:

- The House of Representatives would be elected on the basis of proportional representation.
- There would be equal representation of each state in the Senate. The legislature of each state would select the two senators from that state.
- The House of Representatives would be given the power to develop all bills for taxing and government spending. The Senate was limited

to either accepting or rejecting these bills but, as originally proposed, it could not change them. This was later changed to permit the Senate to amend "money bills" developed in the House.

As in most compromises, each side received a little and gave up a little. The small states received the equal representation in the Senate that their delegates wanted in order to protect their interests. The large states gave up control of the Senate but kept their control of the House of Representatives. And the House was given important powers regarding taxation and government spending.

The result was that the large states would have slightly more influence over the creation of laws regarding taxation and how the money would be spent by the government. However, the decisions of the House of Representatives would always be subject to the check of the Senate, in which the small states had equal representation.

When the committee presented this compromise to the other Framers, it was bitterly fought by some members from the larger states, including Madison, Wilson, and Gouverneur Morris, an important delegate from Pennsylvania. The debate became so heated that two of the New York delegates left the convention and did not return. However, the crisis passed when the compromise was passed by the delegates--by one vote.

### The powers of Congress - Article I of the Constitution

The Framers intended the new government to be a government of enumerated, or specifically listed, powers. They thought it was important to list the powers of Congress so that there would not be any confusion about what Congress could and could not do. The list of what Congress can do appears in Article I, Section 8 of the Constitution. It includes such important matters as the power to lay and collect taxes in order to "pay the debts and provide for the common defence and general welfare of the United States . . .," to declare war, and to raise an army and navy.

### The necessary and proper clause

In addition to the powers the Framers specifically listed for the Congress, they added at the end of the list the power to make all other laws that are "neces-

sary and proper" for carrying out the enumerated powers. This is called the necessary and proper clause. It is an important part of the Constitution that you will learn about later.

## Controlling the state governments

One of the main reasons the Framers agreed to meet in Philadelphia was their concern over actions some of the state governments were taking. They wanted to create a national government that would be able to limit the powers of the state governments, in part because these state governments did not always obey the central government's decisions under the Articles of Confederation. And the central government did not have the power to enforce its decisions.

All of the Framers agreed that they had to create a national government that had more power than it had under the Articles of Confederation. However, they did not agree about how much power it should have over the state governments and their citizens.

## The power of the national government over state governments and the people

The primary solution that was finally adopted was the creation of a national government with the authority to act directly on the people. This meant that the national government was no longer dependent on the states for the collection of the taxes it levied or the enforcement of the laws it passed. The Framers also included a number of phrases or clauses in the Constitution that set forth the powers of the national government over state governments and the people. Some of the most important of these are listed below.

1. The supremacy clause states that the Constitution and all laws made by Congress are the supreme law of the land. The executive branch is given the power to enforce these laws. The Supreme Court is given the power to handle conflicts over their application and interpretation.

2. Article IV of the Constitution gives the national government the authority to guarantee each state a republican form of government.

3. Article IV also requires the national government to protect the states from invasion or domestic violence. This important grant of power is known as the guarantee clause.

## Limits on the powers of state government

The Constitution includes several limitations on the powers of state government. Some of the most important of these are listed below.

1. Article I prohibits state governments from:

- creating their own money
- passing laws that enable people to violate contracts such as those between creditors and debtors
- making ex post facto laws, laws which make acts crimes even though the acts were legal at the time they were committed
- entering into treaties with foreign nations or declaring war
- granting titles of nobility

2. Article IV prohibits states from:

- unfairly discriminating against citizens of other states
- refusing to return fugitives from justice to the states from which they have fled

## Problems that separated the northern and southern states

The Great Compromise had settled the disagreement between the large and small states over how many representatives they could send to the Senate and the House of Representatives. But another issue had to be resolved. This was the conflict between the interests of the states dependent on slave labor and those where slavery was forbidden.

Slavery had been practiced for almost as long as there had been colonies in America. Most of the Framers were opposed to slavery. Still, people in the south used slaves as workers. Slaves were considered personal property, and slaveowners wanted to continue to be able to use them. Delegates from some of these states informed the others that their states would refuse to be a part of the new national government if it denied citizens the right to import slaves. If the Constitution interfered with the slave trade, North Carolina, South Carolina, and Georgia made it clear that they would not become a part of the new nation.

## Compromises made to get southern states to sign the Constitution

After considerable debate, the Framers agreed on a way to satisfy both the northern non-slaveowning interests and the southern slaveowners. This agreement gave Congress the power to regulate interstate commerce which the northern states wanted. In order to satisfy the demands of the southern states, a guarantee was written into the Constitution that the national government would not interfere with the slave trade until at least 1808.

### The "three-fifths clause"

In addition, each slave was to be counted as three-fifths of a person in determining how many representatives a state could send to the House of Representatives. Article I of the Constitution provided that direct taxes must be in proportion to the population. Again, each slave was to be counted as three-fifths of a person for purposes of taxation. This is the famous "three-fifths clause."

### The "fugitive slave clause"

Finally, the "fugitive slave clause" of Article IV provided that slaves who escaped to other states must be returned to their owners. These provisions of the Constitution, designed to satisfy the demands of the slave-owning states, were not matters of great controversy. In 1787, although there was much opposition to slavery, it was not yet the major issue it was later to become.



Slave auctions, such as this one in Virginia, disturbed many northerners and was an issue for compromise at the Convention

## Reviewing and using the lesson

1. The major difference of opinion at the Constitutional Convention was over the question of representation in the legislative branch of the new government. What was this difference? How was it resolved?
2. Certain powers are denied to the states by the Constitution. Name several.
3. According to the Constitution, what is the supreme law of the land? Whose responsibility is it to enforce the laws of the United States?
4. Why did the Framers decide to make a list of the powers that Congress would be allowed to exercise? What clause did they attach to the end of that list that was not specific? Why did they do so?
5. What disagreements do you think might arise over the interpretation of the clause that said that Congress was given the power to make all laws which were necessary and proper for fulfilling its responsibilities as outlined in the Constitution? Why?
6. What compromises of differences between northern and southern states were written into the Constitution? Would you have supported these compromises even though they accepted the institution of slavery? Why?
7. Are there good arguments today in support of the constitutional requirement that all states be equally represented in the Senate? If so, what are they?
8. Are there good arguments today in support of dividing Congress into two bodies--a Senate and House of Representatives? If so, what are they?

## How did the Framers develop the executive and judicial branches and what powers did they give these branches?



Washington, the most admired man in America, was the logical choice for president

### Purpose of Lesson 15

This lesson explains how the Framers organized the executive and judicial branches of the government. It also describes the difficulties the delegates had in deciding how best to control the power of the executive, and how and why they created an unusual method of selecting the president. Finally, it describes the responsibilities given to the judicial branch.

When you finish this lesson, you should be able to explain how the Constitution organizes the executive and judicial branches. This should include an explanation of the limits on the powers of the executive. New ideas and terms included in this lesson which you should be able to explain are listed below.

impeach  
electoral college  
electors  
original jurisdiction  
appellate jurisdiction

### Limiting the power of the executive

The Framers wanted to give the executive branch enough power to fulfill its responsibilities. However, they did not want to give the executive branch so much power that it could easily be abused. Americans, and many Englishmen, believed that the king, through the use of bribes and special favors, had been able to control elections and exercise too much influence over the Parliament. They thought his actions upset the proper balance of power between the king and Parliament. It was the destruction of this balance that Americans referred to when they spoke of the corruption of the Parliament by the king. In addition, they believed that the royal governors had corrupted the colonial legislatures in the same way.

This destruction of the proper balance among different branches of government, they thought, led to tyranny. Consequently, it is not surprising that after their experience with the king and his royal governors, the Americans provided for very weak executive branches in most of the state constitutions. This, however, created other difficulties. The weak execu-



tive branches were not able to check the powers of the state legislatures. These legislatures passed laws that, in the opinion of many, violated basic rights, such as the right to property.

The problem that faced the Framers, then, was how to create a system of balanced government. They wanted to strengthen the executive branch without at the same time making it so strong that it could destroy the balance of power among the branches, as they believed the king and the royal governors had done.

## The executive branch - Article II of the Constitution

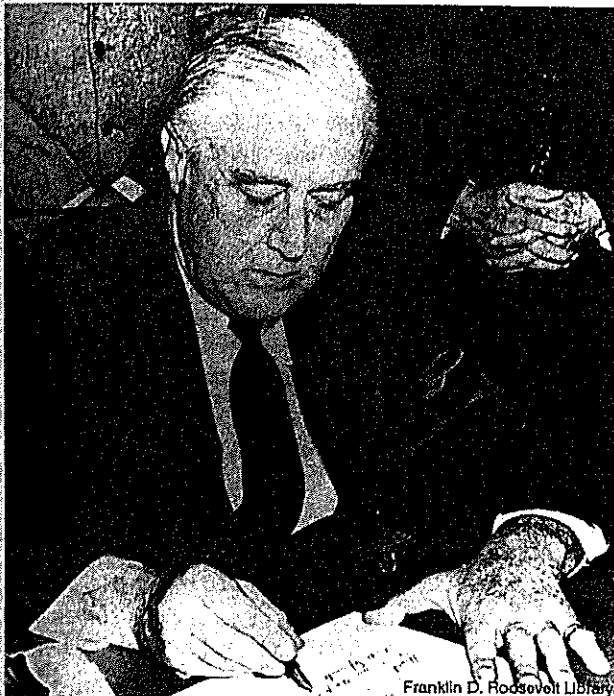
The difficulty of organizing the executive branch raised the following questions which were dealt with by the Framers in the Constitution.

1. **Single or plural executive.** Should there be more than one chief executive?

The Framers easily agreed that there should be a single executive to avoid the possible problem of conflict between two leaders of equal power.

2. **Term of office.** How long should the chief executive remain in his position?

The Constitution sets the term of office at four years.



President Roosevelt signing the declaration of war against Japan, 1941

3. **Reelection.** Should the executive be eligible for reelection?

The Constitution originally set no limit upon the number of times a president could be reelected. However, the 22nd Amendment sets the limit at two terms.

4. **Powers.** What powers should be given to the executive branch of the government?

The executive branch was given those powers the Framers thought would be most efficiently carried out under the supervision of a single person, with the assistance of persons under his control. These include, for example, the responsibilities for (a) carrying out and enforcing laws made by Congress, (b) making treaties with foreign nations, and (c) conducting wars.

Although the Framers thought the executive branch should have enough power to fulfill its responsibilities, they also wanted to be sure it did not have too much power. They limited the powers of the executive branch by making it share most of its powers with Congress. This was intended to keep the powers balanced and to provide Congress with a way to check the use of power by the executive branch. This was accomplished in the following ways.

- **Appointments.** The power to appoint leading members of the executive branch was shared with Congress. The president had the right to nominate persons to fill these positions, but the Senate had the right to approve or disapprove of the persons nominated.
- **Treaties.** The power to make treaties with foreign nations was also shared with Congress. The president had the right to enter into a treaty with another nation, but the treaty had to be approved by the Senate.
- **War.** Although the president could conduct a war, only Congress had the power to declare war, and Congress controlled the money necessary to wage a war.
- **Veto.** Although the president could veto a law made by Congress, it could still become a law if two-thirds of Congress voted to override the veto.
- **Impeachment.** Finally, the Constitution gave the Congress the power to impeach the president. Only the House of Representatives could bring charges of impeachment. The



Senate had the responsibility of trying the president to determine guilt or innocence. If found guilty by two-thirds of the Senate, the president would be removed from office.

In spite of these details, if you look closely at Article II you will see that it is short and vague in comparison with Article I. It speaks of "executive power" but does not define it. Section 3 seems to give the president power to suggest legislation, which is not an executive power. Executive departments are mentioned, but there is no provision for creating them, deciding how many there should be, or how they should operate.

The Framers, never having experienced a democratically elected president, found it hard to imagine exactly what he would do. But they trusted George Washington, expected him to become the first president, and thought he could be counted upon to fill in the gaps and set wise examples that would be followed by later presidents. As we shall see, that is exactly what happened.

#### 5. Selection. How should the president be selected?

The main alternatives debated by the Framers were to have the president selected by (a) the Congress, (b) the state legislatures, (c) the state governors, or (d) the people by direct election.

The Framers knew that whichever group had the right to select the president or replace him in a new election would have great power over him. This power might be used to benefit some groups at the expense of others. It also might make it difficult for the president to function properly. They also knew that if Congress was given the power to choose a president, then limiting him to one long term was a way to prevent his being manipulated by Congress in order to get reelected. If the president was not chosen by Congress, then providing for a shorter term would make him more accountable to the people and he might be permitted to run for reelection as many times as he wanted. The problem was given to a committee to develop a plan that a majority of the Framers would support.

The committee's plan was a clever compromise. It did not give any of the groups listed above the right to select the president. The plan showed that the Framers did not trust the people's judgment and knowledge. They thought the country was so large that it would be impossible for most people to be personally familiar with the candidates and their qualifications.

The plan gave "a little bit to everyone." It was very unusual. It created an organization called the electoral college which was given the responsibility of electing the president. The following describes the main parts of this plan.

- The electoral college would be organized once every four years to elect a president. After the election, it would be dissolved.
- Members of the electoral college, called electors, would be selected from all of the states. A state's number of electors would be the same as its number of representatives in Congress. The methods for selecting electors would be decided upon by the state legislatures.
- Each elector would vote for two people, one of whom could not be a resident of his state. This forced the state to vote for at least one person who might not represent its particular interests.
- The person who received a majority of votes in the electoral college would become president, and the person with the next largest number of votes would become vice president.
- If no one received a majority of the votes in the electoral college, then the House of Representatives would select the president by a majority vote, with each state having only one vote.

This compromise was quickly approved by the Framers. Although it was quite complicated and unusual, it seemed to them to be the solution to their problem. There was little doubt in the Framers' minds that George Washington would easily be elected the first president. However, there was great doubt among the Framers that anyone after Washington could ever get a majority vote in the electoral college. They left the convention believing that in almost all of the future elections for president the final decision would be made in the House of Representatives.

The electoral college is still in existence, although it functions quite differently from the way it did then.

### The judicial branch - Article III of the Constitution

To complete the system of checks and balances, the Framers had to plan the judicial branch. They had fewer problems agreeing on how to organize the judiciary than they had with the other two branches.

Most of them already agreed about how courts should be organized and what responsibilities and powers they should be given. They created the Supreme Court as the head of the judicial branch and reached the following agreements.

- Judges should be independent of politics so that they could use their best judgment to decide cases and not be influenced by political pressures.
- The best way to make sure that judges would not be influenced by politics was to have them appointed, not elected, and to have them keep their positions "during good behavior." This meant that judges could not be removed from their positions unless they were impeached and convicted of "treason, bribery, or other crimes and misdemeanors."

There was also a good deal of agreement about the kinds of powers that the judicial branch should have. The judiciary was given the power to:

- decide conflicts between state governments, and
- decide conflicts that involved the national government.

And finally, they gave the Supreme Court the authority to handle two types of cases. These are:

- Cases in which the Supreme Court has original jurisdiction. These are cases which the Constitution says are not to be tried first in a lower court, but which are to go directly to the Supreme Court. Such cases involve a state government, a dispute between state governments, and cases involving ambassadors.
- Cases which have first been heard in lower courts and which are appealed to the Supreme Court. These are cases over which the Supreme Court has appellate jurisdiction.

### Judicial review - an unanswered question

One important matter about the judicial branch was not decided by the Framers. This was whether the Supreme Court should be given the power of judicial review over the legislative and executive branches of the national government. To do so would be to give it the authority to declare acts of these branches of the national government unconstitutional. This would mean giving one branch of the national government the

power to ensure that the other branches did not exceed the limitations placed upon them by the Constitution, the higher law of the nation.

The power of judicial review had been given to the judicial branches of some of the state governments by their constitutions. Some of the Framers believed it was important to give this power to the judicial branch of the national government. This would be a way of making sure that the Congress and the president obeyed the limitations on their powers placed there by the Constitution. However, other Framers disagreed. They thought that it might be dangerous to give members of any branch of the government not elected by the people the power to strike down laws made by members of Congress, who were elected by the people.

Nothing specific was decided on this subject at the Convention. The only reference in the Constitution to the general powers of the Supreme Court is at the beginning of Article III. There you will find only the statement that the "judicial power of the United States, shall be vested in one supreme court, . . ."

The power of the Supreme Court to declare acts of the Congress and president unconstitutional was clearly established by the Supreme Court itself in 1803. You will learn more about the important subject of judicial review in a later lesson.

### Reviewing and using the lesson

1. Why did most state constitutions provide for weak executive branches?

2. Explain three ways in which the Constitution requires the executive branch to share powers with the legislative branch. Why was this done?

3. What does the electoral college tell us about the Framers' opinion of the judgment and knowledge of the people?

4. Why did the Framers want federal judges to be independent of political pressures? How did they attempt to achieve this independence?

5. Explain what is meant by the power of judicial review.

6. What were some arguments for and against giving the Supreme Court the power of judicial review? What basic ideas that you have studied might be used in these arguments?